

I am delighted the senior Senator from Oregon has raised his voice against this procedure. I am very grateful to him for doing so.

I ask unanimous consent that I may proceed for 3 additional minutes on another subject.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Wisconsin? The Chair hears none, and the Senator from Wisconsin is recognized for 3 additional minutes.

Cuba PRESIDENT TRADE BAN CRACKS DOWN ON CASTRO

Mr. PROXMIRE. Mr. President, I speak as the Senator who led the fight on the floor of the Senate against weakening the language of the House in the foreign aid appropriation bill, which would have prohibited aid to any country whose ships were bringing military cargoes from the Iron Curtain countries to Cuba. In this connection, I think that what the State Department has done in recent days has been far more effective than could have been done if we had won that fight on the floor of the Senate. Incidentally, the fight was won in the conference.

What the President and the State Department has done should be recognized and praised by Americans all over the country. Recent developments have made crystal clear how effective the State Department has been in this regard.

The President will next week close American ports to all ships from any country whose vessels are carrying military supplies to Cuba. Incidentally, that is what we tried to provide in the foreign aid bill. We have done it now, and I believe we have done it more effectively. But that's just the beginning.

Second, he will close American ports to any ships that seek to come here during a voyage in which that ship engages in trade of any sort between a member of the Communist bloc and Cuba.

Also, we have prevented any U.S. shipowner from taking part in the Cuban trade.

Most important of all—we have denied U.S. Government cargoes to any shipping company whose vessels are used for trading between Cuba and the Communist bloc.

Mr. President, the blow to Castro in this action can be appreciated when it is recognized that most of the trade between Cuba and the outside world was with our country until our embargo in February of this year. Since then the trade has shifted to Russia. Of course, the total foreign trade of Cuba has dropped considerably because Russia cannot possibly supply what we supplied.

Seventy percent of the trade of Cuba with the outside world is with Russia. Two-thirds of that trade is being carried on in ships of allied countries or free countries of the world. The action the President will take will cut off virtually all of that trade. Anyone who doubts this will have much effect has only to note the British reaction. British shipowners are protesting the President's Executive order vehemently. I ask unani-

mous consent that an article entitled "British Shipowners Oppose Bars to Cuba Trade," published in this morning's issue of the New York Times, emphasizing that protest, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITISH SHIPOWNERS OPPOSE BARS TO CUBA TRADE

LONDON, October 11.—British shipowners insisted today that they would accept no restriction on their trade with Cuba.

They agreed at a meeting that they had to reply on British diplomacy if the United States carried out its proposed sanctions against shipping engaged in carrying Communist countries to Cuba.

The meeting, called by the Council of the British Chamber of Shipping, was held to discuss U.S. plans for a shipping boycott of Cuba.

After the meeting, David M. Robinson, the Chamber's president, said that British shipowners intended to retain their right to trade throughout the world.

This was the first formal pronouncement from the Chamber since United States proposed to bar from American ports all ships of any country if even a single ship of that country's registry carried arms to Cuba, and to forbid the picking up of return cargoes in the United States by ships that had unloaded nonmilitary Communist freight in Cuban ports.

Mr. Robinson also condemned a suggestion by American shipowners' organizations that owners throughout the world should agree voluntarily to cease trade with Cuba.

Mr. Robinson said that a British Government request to the chamber that British concerns should not carry arms or military equipment to Cuba had been passed on to shipowners.

He added that there was no evidence that British shipowners were involved in such trade.

He said he "did not quarrel" with a U.S. statement that 78 British ships carried cargoes to Cuba between January 15 and August 31.

PEIPING SAID TO SEEK SHIPS

LONDON, October 4.—Shipping sources said today that Communist China had appeared on the London market as a bidder for chartered shipping for the first time in more than a year.

The Chinese were reported to be seeking to charter vessels for 4 to 7 months.

According to a report today in the Financial Times, a British business newspaper, the Chinese want to stipulate that chartered ships must call at Cuban ports.

In the past, Communist China has made a substantial number of charters in London, the newspaper said, and its absence in the last year had been one factor in the low freight rates in recent months.

London has told the United States that the British Government has no power to interfere with the chartering or to ships to carry goods to Cuba.

The United States has proposed a series of reprisal measures to halt Western shipping from engaging in the Cuban trade. The U.S. measures are causing some owners, who would otherwise have accepted the Chinese offers, to hesitate, the Financial Times said.

SWEDES BALK AT U.S. PLAN

STOCKHOLM, October 11.—Sweden indicated disapproval today of a U.S. plan to try to bar non-Communist shipping from carrying nonmilitary cargoes to Cuba from the Soviet bloc.

The Government announced that the Swedish Embassy in Washington had com-

municated Sweden's "anxiety" over measures abridging "the possibilities of freedom of the seas."

The Government said it had also told the United States that "as far as we know, no Swedish ships have been carrying arms to Cuba."

Mr. PROXMIRE. Norwegian shipowners are protesting the action, but they are agreeing to go along with it. The West German, Greek, and Turkish Governments have agreed to comply and to go along with us. I ask unanimous consent that an article by Frank Porter entitled "United States Ignores Outcry on Cuba Shipping Ban," published in the Washington Post of recent date, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES IGNORES OUTCRY ON CUBA SHIPPING BAN

(By Frank C. Porter)

British and Norwegian shipowners yesterday attacked drastic American plans to retaliate against free world ships carrying Communist bloc cargoes to Cuba.

At the same time, there were indications that the United States intends to take a tough line, no matter what opposition develops overseas.

"It comes down to this: Do they want to trade with Cuba or do they want to trade with us?" one Government source said.

State Department and other Government officials spent most of yesterday hammering out details of the four-point program, which is expected to go into effect early next week.

The program provides for—
Closing American ports to all ships from any country whose vessels carry military supplies to Cuba.

Closing American ports to any ship which seeks to come here during a voyage in which it engages in trade of any sort between the Communist bloc and Cuba.

Preventing any U.S. shipowner from participating in Cuban trade.

Denying U.S. Government cargoes to any shipping company whose vessels are used for trading between Cuba and the Communist bloc.

Questions on putting these policies into effect, enforcing them, and clearing away any obstacles were reportedly discussed at yesterday's sessions at State. One trade official said unofficially that the Trading With the Enemy Act will undoubtedly be invoked and that the program may be administered by the Division of Foreign Assets Control of the Treasury Department.

Government spokesmen say they believe no free world ships have as yet carried arms to Cuba.

In Oslo yesterday, the Norwegian Shipowners Association said it "viewed with concern any development where shipping is being used as an instrument of foreign policy." But it said that its annual convention fully endorsed a request that members refuse to carry goods to Cuba.

British shipowners were more adamant. Their trade group, the Council of Shipping, decided unanimously to oppose any restrictions on their trade with Cuba, United Press International reported. "It is a matter of gravest concern to owners engaged in trade that they could be involved in sanctions," the council said.

The British Government has advised shipowners not to carry strategic goods to Cuba but it has no legal power to prevent them from doing so.

West Germany has endorsed a decree expected to cut off almost all its shipping trade

1962

CONGRESSIONAL RECORD — SENATE

22037

American citizens on American soil. This cannot be the meaning and purpose of our desire to multiply contacts between the United States and Communist countries. Quite the contrary, it is in the very interests of international peace and understanding to oppose such detrimental policies of a Communist regime.

NOMINATION OF JOHN G. GREEN, OF WISCONSIN, TO BE COLLECTOR OF CUSTOMS

Mr. MORSE. Mr. President, I should like to have the attention of the junior Senator from Wisconsin [Mr. PROXMIER].

Last night I read the CONGRESSIONAL RECORD for the day before yesterday, containing the discussion as to the problem with regard to the collector of customs in Wisconsin, which involves a controversy between the junior Senator from Wisconsin and the senior Senator from Wisconsin [Mr. WILEY].

I should like to have the RECORD show that in my judgment it is most regrettable that steps were not taken early enough in this session to obtain the confirmation of the nomination of Mr. Green to be collector of customs in the State of Wisconsin. I feel that the position which the junior Senator from Wisconsin [Mr. PROXMIER] has taken in this matter, as reported in the CONGRESSIONAL RECORD, is unanswerable; and that the senior Senator from Wisconsin is completely wrong in the position he has taken on this issue. I shall state my reasons.

The senior Senator from Wisconsin, so the RECORD shows, alleges that the appointment of Mr. Green really was requested by the Senator from Massachusetts [Mr. SMITH]. As a lawyer accustomed to looking for proof, evidence, and documentation of allegations, I wish to say I think the senior Senator from Wisconsin "fell flat on his face," so to speak, in respect to that argument, for the correspondence placed in the RECORD by the junior Senator from Wisconsin [Mr. PROXMIER] leaves no room for doubt that the correspondence itself shows that the appointment was at the initiation of the junior Senator from Wisconsin and had his approval and enthusiastic support from the very beginning.

The second point I wish to make is that this issue involves each one of us. It may be the junior Senator from Wisconsin today, but it may be the majority leader tomorrow, or the senior Senator from Oregon the next session, or any other Senator at some time in the future. These matters of historic tradition and precedent in the Senate in regard to such subjects as nominations are of concern to each of us when we find a situation such as has developed in the State of Wisconsin over the appointment of the collector of customs.

I note in the RECORD that the senior Senator from Wisconsin has not been willing to declare the nominee personally obnoxious. The long history of the Senate makes perfectly clear that unless the senior Senator is willing to declare a nominee personally obnoxious, that Senator loses his standing in the Senate by raising an objection to a nominee.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired. Mr. MORSE. Mr. President, I ask unanimous consent that I may proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. The RECORD is perfectly clear that the senior Senator from Wisconsin has taken the position that he really does not have anything against the nominee personally. I can only reach one conclusion; he must have something against the junior Senator from Wisconsin. At least, he is not in a position to cooperate with his colleague in regard to the nomination. I think that is regrettable and reflects discredit upon the senior Senator from Wisconsin and not the junior Senator from Wisconsin.

Third, I point out that we are dealing with a matter of patronage. The position of collector of customs is a patronage position. That is our system. So long as it is the system, the majority party has the traditional right to make the appointment and, in the absence of any showing of disqualification on the part of the nominee, on the basis of the four historic criteria which have always been applied under the advise and consent clause, the nomination should be confirmed.

As the Senator from Wisconsin knows, the senior Senator from Oregon has applied those historic criteria ever since the famous fight in 1945 involving the nomination of Henry Wallace to be Secretary of Commerce, when, as a Republican, I defended that nomination by a Democratic President because there was no showing on my side of the aisle that Henry Wallace violated any of the four historic criteria.

I say, on the basis of those four historic criteria, that patronage positions should automatically be filled, unless the opposition can show that the nominee does not fulfill one or more of those criteria.

There is not a scintilla of evidence in this record as to the nomination to be collector of customs in Wisconsin which raises any question as to the nominee's qualifications under those criteria. Therefore, in my judgment, the senior Senator from Wisconsin has no meritorious standing in opposition to the nomination.

After all, this is a patronage job. So long as we have the patronage system, the majority party ought to have the right to fill the position, and it should not be necessary to wait, as we shall now have to wait, to have a matter such as this cleared up because of a technicality, merely because the Committee on Finance reported the nomination by way of a poll rather than a vote in the committee.

I close by saying that I sincerely hope the President of the United States will make an interim appointment. It is my understanding the President can make an interim appointment. In view of the objection raised by the senior Senator from Wisconsin, which, in my judgment, has no merit on the record, I think the President of the United States owes it to

the junior Senator from Wisconsin to appoint Mr. Green on an interim basis to be collector of customs. Then, when the Congress comes back into session in January, we can proceed to take the nomination from the Finance Committee and place it before the Senate.

The senior Senator from Wisconsin ought to be made to answer the question now as to whether he has changed his mind and wishes to raise a point of objection to the nomination on the ground that the nominee is personally obnoxious.

Mr. PROXMIER. Mr. President, I thank the senior Senator from Oregon from the heart. I deeply appreciate what the Senator has said. It is very helpful, indeed.

John Green was nominated on March 1. On March 26 I wrote to the senior Senator from Wisconsin and urged him to return an approval slip. He wrote back the next day, and said that he would look into the question.

I again wrote to the Senator on March 30, and I asked him once again to indicate his approval.

It was obvious then that I was not going to get much action from the senior Senator from Wisconsin, so I started working on the Finance Committee. I asked the distinguished chairman of the Finance Committee to hold hearings on the nomination. He said he was holding the hearings up until the senior Senator from Wisconsin would consent to have a hearing.

Eventually there was a hearing on June 13.

The reason the nomination was never reported was that at the request of the distinguished senior Senator from Wisconsin, a Democratic member of the committee objected to having the nomination taken up. The committee is a very busy committee, as the Senator from Oregon realizes. If I have called the chairman of the committee once on this issue, I have called him at least a dozen times. I talked with members of the committee; with the distinguished senior Senator from Illinois, and with the Senator from Tennessee. They cooperated and did all they could. We tried everything we could think of to have the nomination reported from the committee. It was impossible to get the nomination from the committee until the closing days of the session, when a quorum of the Finance Committee could not be obtained. The chairman of the committee tried a number of times to get a quorum. He could not get a quorum. This was the only way to have the nomination reported.

I am glad that the senior Senator from Oregon has raised this point. This could be a very bad precedent, indeed. It might mean that any time a minority Senator wishes to block an appointment all he will have to do is to persuade one member of the committee to stall the appointment to death. If he can stall it until the end of the session, he can then make a point of order as to polling the committee, and nothing can be done. I think this is a precedent we should not permit to be established.

1962

CONGRESSIONAL RECORD — SENATE

22039

with Cuba. Greek shipowners have approved a Cuban boycott. The Turkish Government has agreed to prohibit state-owned vessels from engaging in Cuban commerce and has asked private shippers not to haul Soviet cargoes there.

As explained by American officials, the embargo is designed to make the Soviet commitment to sustain Cuba economically and militarily as expensive and difficult as possible.

It has also been pointed out that any added hardship suffered by Cuba as a result of withdrawing free world shipping would serve as an example to other Latin American nations which might be tempted to follow the Castro road.

About 70 percent of Cuban trade presently is with the Soviet Union and other Communist-bloc nations. But more than two-thirds of total Cuban trade has been carried in free world ships.

Thus, 35 percent of Communist cargoes have been transported by vessels under charter of nonbloc nations.

A recent Maritime Administration report indicates that free world ships made 571 calls at Cuban ports from January 1, through August 31. No vessels flying the U.S. flag visited ports other than the naval base at Guantanamo Bay.

Ships from Greece, the United Kingdom, West Germany and Norway accounted for 60 percent of the total. Following is a breakdown by country:

Greece, 125 trips; United Kingdom, 109; Norway, 55; West Germany, 50; Denmark, 33; Spain, 30; Lebanon, 29; Italy, 22; Japan, 20; Yugoslavia, 20; Sweden, 19; Liberia, 18; Netherlands, 14; Panama, 8; France, 5; Belgium, Finland and Chile, 3 each; Morocco, 2; and Honduras, Switzerland and Turkey, 1 each.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "United States Tries To Make Soviet Support of Cuba as Expensive as Possible," written by Chalmers M. Roberts and published in the Washington Post of recent date.

There being no objection, the article was ordered to be printed in the Record, as follows:

UNITED STATES TRIES TO MAKE SOVIET SUPPORT OF CUBA AS EXPENSIVE AS POSSIBLE

(By Chalmers M. Roberts)

A new phase in the Kennedy administration's policy toward Cuba is now coming into focus. But there are still some blurry aspects.

In the first place, the administration is leaving on the shelf the possibility of a frontal U.S. military assault to topple Fidel Castro's regime, as President Kennedy said publicly a month ago. Up to now nothing has occurred to alter this view and no change is now in sight unless Castro by some new move threatens American security or interests more than he does today.

In the second place, the United States is trying to make support of Cuba by the Soviet Union as expensive as possible.

It is doing this by putting an economic squeeze on Cuba. Both Latin American and Western European nations are being asked and cajoled into trimming or eliminating their trade ties to Cuba. This policy has had some success recently, but the administration has not gone to the point of preemptive buying of goods which other nations sell to Castro. However, it may come to that.

Nobody doubts that the Soviet investment in Cuba now is considerable enough both in terms of prestige and money, nor that Soviet Premier Nikita S. Khrushchev

will keep on doing what is necessary to keep Castro afloat. The United States hopes the cost will continue to mount.

One hope here is that worsening economic conditions and increasing diplomatic isolation will further known current differences inside Cuba between the hard-core Communist Party leaders and Castro's other supporters who are not Communists. But so far there is more hope than hard fact in this line of reasoning.

Official sources do believe, however, that Castro himself daily walks in fear of internal enemies.

What all this type of policy amounts to is a hope that at some point something will give inside Cuba.

The blurry part of the picture of U.S. policy on Cuba has to do with sub rosa activities involving Cuban refugees and other non-U.S. citizens who might be willing to help in harassment of the Castro regime.

American officials are chary of using the term "harassment," to describe this aspect of U.S. policy. There is much talk of how difficult some of them have bungled various clandestine attacks inside Cuba. And it is said that Castro's internal security forces have grown more efficient, thus making such things as sabotage more difficult.

Whether this is just alibi talk for inaction is not totally clear but there are reasons for thinking so. On the other hand, the administration can hardly be expected to talk out loud about clandestine operations. The problem is whether any American hand in such operations can be kept secret. Refugees are notoriously glibly and Cubans are at the top of the list.

The net of all this is that the administration, in part under political pressures to "do something about Cuba," is doing about all it can do through normal diplomatic channels. But there is no more than a vague hope that this sort of thing can someday topple Castro.

What more can or will be done at the covert level is fuzzy. Cuban refugee groups are full of complaints of lack of cooperation.

On one point there is a clear administration policy line. There is no link between the Berlin problem and the Cuban problem susceptible of any sort of "deal" with the Soviet Union. There are differences of opinion as to what Khrushchev would do if there were a full-scale American assault on Cuba, but no one in authority seems to doubt that short of that the Soviet boss will do everything necessary to hold his Latin American beachhead.

And between Berlin and Cuba, U.S. sources are positive that Berlin is the major league problem, however much Cuba arouses American anger.

Mr. PROXMIRE. Mr. President, one of the most outstanding writers of financial news, Sylvia Porter, commented last night in the Washington Evening Star on this subject. In the conclusion of the article she said:

The "kicker" is No. 2—for what it does is give the free world's shippers a choice between making short-term profits on Soviet-Cuban trade or long-term profits on hauling United States cargoes—and we offer the world's largest total of cargoes of all sorts. The choice, experts believe, is almost certainly to be what we want it to be.

Russia will, of course, be able to replace the ships. But it'll be far more expensive, far tougher, far more burdensome for her to push the Cuban buildup. From an economic-commercial standpoint, this is truly drastic action against the Soviet satellite 90 miles from our shores.

I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

SOVIET-CUBA TRADE FACING CURBS

(By Sylvia Porter)

As the United States proposes to curb free world shipping, carrying cargoes from Russia to Cuba, two obvious questions arise: How big has the Soviet bloc's trade with Cuba become? How lucrative has carrying these cargoes from Russia to Cuba been to non-Communist shipping nations?

The answers to both questions are: The Soviet bloc's trade with Cuba has grown at an enormous rate in the past 2 years and carrying the cargoes has been exceedingly lucrative to shipowners in the free world's maritime nations, including our closest allies.

Soviet trade with Cuba this year will reach \$750 million, according to a study published in Geneva on the Iron Curtain economies by the Economic Commission for Europe. The ECE is a United Nations organization with headquarters in Geneva.

This represents a 40-percent jump over Russian-Cuban trade in 1961 and this trade in 1961 was in turn 300 percent above 1960.

Poland's sales to Cuba more than tripled from 1960 to 1961, rising from \$4 million to \$23 million, while her purchases from Cuba more than doubled, rising from \$10 million to \$24 million.

U.S. TRADE REDUCED

Rumania's sales to Cuba climbed from next to nothing in 1960 to \$11 million in 1961. Czechoslovakia's trade followed a similar course, is scheduled to increase another 20 percent this year.

While our trade with Cuba has been reduced from 4.3 million tons in 1959 to 75,000 tons in 1961 (mostly medicines), the Soviet bloc nations have taken our place.

Implicit in the statistics on the tremendous rise in Soviet Russia's trade with Cuba is the answer to the second question about its financial value to nations whose ships are transporting the millions of tons of food, materials, machinery. The estimate is shipping fees on the traffic are now running at over \$100 million a year—a welcome bonanza at a time of world-wide maritime recession.

Between January 1 and the end of August, a total of 433 ships carrying free world flags docked at Cuban ports.

In the 3 months of June, July, and August, the U.S. Maritime Commission reports, owners of 169 ships of free world nations made 185 trips in and out of Cuban ports, with ships of such countries as Greece, Britain, West Germany, and Norway accounting for more than 60 percent of the trade.

Under mounting pressure from us, though, the nations have begun to act. Turkey has banned all shipments; West Germany and Italy are blocking the trade via licensing policies; Denmark has told shipowners she doesn't approve of the shipments; Norway has asked shipowners to "reconsider" hauling cargoes; Britain is "considering" our request for restrictions; Greece is asking shipowners to cancel chartering agreements.

ACTIONS OUTLINED

And now the United States, on its own, is taking action to tighten the trade noose around Russia's new satellite.

1. We're going to close all U.S. ports to all ships of any country if any of that nation's ships carries arms to Cuba.

2. We're going to withhold any U.S.-owned or financed cargoes from a foreign shipowner if any of that shipowner's vessels is used to carry Soviet cargoes to Cuba after the crack-down goes into effect.

3. We're going to bar from all U.S. ports any ship which delivers even clearly non-military Soviet cargoes to Cuba and then

22040

CONGRESSIONAL RECORD — SENATE

October 12

tries on the same continuous voyage to come to our ports to pick up cargoes to carry home.

4. We are forbidding all U.S. flagships or U.S.-owned ships to carry goods to and from Cuba.

The kicker is No. 2—for what it does is give the free world's shippers a choice between making short-term profits on Soviet-Cuban trade or long-term profits on hauling U.S. cargoes—and we offer the world's largest total of cargoes of all sorts. The choice, experts believe, is almost certainly to be what we want it to be.

Russia will, of course, be able to replace the ships. But it'll be far more expensive, far tougher, far more burdensome for her to push the Cuban buildup. From an economic-commercial standpoint, this is truly drastic action against the Soviet satellite 90 miles from our shores.

Mr. PROXMIRE. In conclusion, this is not an act of war. It is not an act of war, but it will be singularly effective. The President and the State Department deserve a great deal of credit for this ingenious action.

PUBLIC KEPT IN DARK ON LOBBYING BY LOOPHOLES IN LAW

Mr. PROXMIRE. Mr. President, I have been inserting in the Record a series of articles on the lobbying problem by James McCartney of the Chicago Daily News, who is an outstanding Washington correspondent.

This morning I have before me the fifth and final article in the McCartney series. The article shows how loopholes in the lobbying law prevent any kind of effective enforcement. Mr. McCartney dramatically describes how a top lobbyist for the American Medical Association took advantage of the loophole. Certainly that organization was exceedingly effective in killing the President's medical care proposal.

Yet, as the writer points out, the effort of the AMA does not show in the lobbying expenses that the AMA has reported under the Nation's 16-year-old Regulation of Lobbying Act. This is so, although the AMA has been conscientious in reporting its expenses and reports more than any other lobby working Washington.

For example, Paul R. M. Donelan, a top AMA lobbyist reported some expenses for the first three months of the year. The expenses he reported, however, in April, May, and June, the period when the battle over care for the aged reached a climax were nil. He reported no expenses at all in April, May, and June for travel, food, lodging, entertainment, or for anything else.

Mr. McCartney has shown that in the case of the AMA and the U.S. Savings and Loan League, a lobby which won a smashing victory over the President this year, and in other cases, the lobbyists can report or not report, pretty much depending on how they want to operate, with the result that the public is kept in the dark. The present lobbying regulation law serves virtually no purpose whatsoever.

I ask unanimous consent that this thoughtful article, entitled "Loopholes in Lobbying Law Prevent Enforcement,"

by James McCartney, published in the Chicago Daily Times on October 11 be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

LOOPHOLES IN LOBBYING LAW PREVENT ENFORCEMENT—SIXTEEN-YEAR-OLD ACT KEEPS CONGRESS, PUBLIC IN DARK

(By James McCartney)

WASHINGTON.—The American Medical Association has been credited with one of the great lobbying campaigns of modern times with its drive this year to kill hospital care for the aged under Social Security.

But it doesn't show in the lobbying expenses the AMA has reported under the Nation's 16-year-old Regulation of Lobbying Act.

One of the AMA's six registered lobbyists, Paul R. M. Donelan, for example, has listed his total expenses for the first 3 months of this year for travel, food, lodging, and entertainment at 50 cents—one-half a dollar.

This would be in a period when the medical issue was much in doubt and AMA efforts intense.

Even then, Donelan spent more for those purposes in the first 3 months of the year, according to the report, than he did during April, May, and June—the period when the battle over care for the aged reached a climax.

He reported no expenses at all in April, May, and June for travel, food, lodging, entertainment—or for anything else.

These expenses are not far out of line, however, with those reported by some other lobbyists engaged in big campaigns.

A lobbyist for the U.S. Savings & Loan League—which staged one of the largest mail campaigns in history this year—reported \$9.50 as his total expenses for the first 3 months of the year.

But neither Donelan nor the savings and loan lobbyist should be blamed if the figures appear to be somewhat ludicrous.

The fault lies not with them but with an act that has been labeled as ineffective by almost everyone who has taken the time to study it—including both the American Medical Association and the Savings & Loan League.

An AMA spokesman as long ago as 1957 described the act as "full of ambiguities" and suggested that it would be "a great service to the country to see the laws cleared up."

As the act stands now, no one knows who is supposed to register or how expenses are supposed to be listed.

And because the writers of the act failed to set up an administrative or an enforcement agency there is no one around to provide answers. The Justice Department abandoned serious enforcement efforts years ago because of the law's vagueness.

The last congressional group to study the problem, a Senate committee headed by Senator JOHN McCLELLAN, Democrat, of Arkansas, in 1957, said the law needed a major overhaul.

The report was signed by Senator John F. Kennedy, since promoted.

But Congress—never anxious to crack down on lobbyists—has never moved.

The result of the peculiar, unenforced law is to create the impression that lobbying is regulated, while, in fact, it is not.

The National Association of Manufacturers has a Washington office of about 40 persons and the stated goal of acting as the "spokesman for American industry."

But the NAM does not register under the regulation of Lobbying Act.

Americans for Democratic Action, at the opposite political pole from the NAM, was formed to voice liberal, independent views. It doesn't register under the act either.

The General Dynamics Corp., is the Nation's largest defense contractor with more than \$1 billion in Government contracts.

It maintains an office of 35 to 40 persons in Washington to service the contracts and, often, to see what can be done to get more.

Its representatives roam the corridors of the Pentagon.

It has no registered lobbyists. But then, neither, apparently, does any other of the Nation's top defense contractors.

More than 6,000 individuals or groups have registered since the law went on the books but no one knows what that means. If someone had registered in 1946 and died the next day his name would still be on the lists, and will presumably stay there through eternity.

But other groups among the most influential in the country and very much alive aren't on the lists at all.

Ridiculous situations arise, too, in reporting lobbying expenses by organizations.

The American Medical Association campaign against hospital care for the aged has been estimated on the floor of the House to have cost more than \$7 million.

The AMA's reported lobbying expenses have been much less than \$200,000.

The fact is that the present lobbying law doesn't cover the kind of grassroots lobbying campaign that the AMA has waged—by for the most common kind of major campaign today.

Most lobbying authorities, including the McClellan committee in 1957, have noted the trend toward massive letterwriting campaigns, but the lobby law completely overlooked them.

There are other important areas the lobby registrations law does not touch, too.

It does not, for example, cover lobbying with the executive branch of the Government—either to enlist the support of administrative officers for a legislative program or to influence rule and regulation making.

The president of E. I. du Pont de Nemours, Crawford M. Greenewalt, who came to Washington many times to visit top Government officials about the "Du Pont bill" did not register under the Lobby Registration Act.

The attorney who planned the campaign, however, registered fully.

Former Senator Majority Leader Scott Lucas, of Illinois, now a lobbyist, estimates that he spends more than 95 percent of his time working with executive agencies. He is no exception.

Nor does the law cover "groups or corporations" which do not solicit or collect money—a large category indeed.

The law was passed in 1946 almost as an afterthought as part of the Legislative Reorganization Act, which "streamlined" Congress.

It has been existing as an afterthought almost ever since. It was dealt a crippling blow in 1954 when the Supreme Court ruled, among other things, that it covered only groups with the principal purpose of influencing legislation.

Many groups—like the NAM and the ADA—say this is not their "principal purpose" and thus they need not register. No one is around to say they must.

The Supreme Court, however, did not mean to kill the effectiveness of the law, which many lawyers believe was poorly drawn in the first place.

Said Chief Justice Earl Warren in rendering the Court's opinion:

"A full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate . . . pressures.

"Congress has not sought to prohibit pressures. It has merely provided for a modicum of information from those who for hire at-